

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 18-3219

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In re: Darryl Allen

*Debtor*

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Beverly Holmes-Diltz

*Appellant*

v.

David A. Sosne; Darryl Allen

*Appellees*

Office of *U.S. Trustee*

*U.S. Trustee*

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Appeal from United States District Court  
for the Eastern District of Missouri - St. Louis

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Submitted: July 2, 2019

Filed: July 3, 2019

[Unpublished]

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Before COLLOTON, ERICKSON, and STRAS, Circuit Judges.

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PER CURIAM.

Beverly Holmes-Diltz appeals the district court's<sup>1</sup> dismissal of her interlocutory appeal from certain bankruptcy court orders, and requests mandamus relief. Upon careful review, we find that we lack jurisdiction to hear her appeal, as there has been no final judgment in the underlying bankruptcy case. See 28 U.S.C. § 158(d)(1) (courts of appeals have jurisdiction of appeals from final judgments and orders entered by district court hearing appeal from final judgment or order of bankruptcy court); In re Popkin & Stern, 105 F.3d 1248, 1250 (8th Cir. 1997) (district court's order is not final unless underlying bankruptcy court order is final). We also deny the mandamus request, as Holmes-Diltz has not shown that she is clearly entitled to this extraordinary relief. See In re Borowiak IGA Foodliner, Inc., 879 F.3d 848, 849-50 (8th Cir. 2018) (per curiam) (writ of mandamus is extraordinary relief requiring that petitioner's right to writ is clear and indisputable).

The appeal is dismissed for lack of jurisdiction, and the mandamus request is denied.

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<sup>1</sup>The Honorable Ronnie L. White, United States District Judge for the Eastern District of Missouri.

**United States Court of Appeals**  
***For The Eighth Circuit***  
Thomas F. Eagleton U.S. Courthouse  
111 South 10th Street, Room 24.329  
**St. Louis, Missouri 63102**

**Michael E. Gans**  
***Clerk of Court***

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July 03, 2019

Ms. Beverly Holmes-Diltz  
CRITIQUE SERVICES  
3919 Washington Avenue  
Saint Louis, MO 63108

RE: 18-3219 Beverly Holmes-Diltz v. David Sosne, et al

Dear Ms. Holmes-Diltz:

The court today issued an opinion in this case. Judgment in accordance with the opinion was also entered today. The opinion will be released to the public at 10:00 a.m. today. Please hold the opinion in confidence until that time.

Please review [Federal Rules of Appellate Procedure](#) and the [Eighth Circuit Rules](#) on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing en banc must be received in the clerk's office within 45 days of the date of the entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. No grace period for mailing is allowed, and the date of the postmark is irrelevant, for pro-se-filed petitions. Any petition for rehearing or petition for rehearing en banc which is not received within the 45 day period for filing permitted by FRAP 40 may be denied as untimely.

Michael E. Gans  
Clerk of Court

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Enclosure(s)

cc: Mr. Gregory J. Linhares  
Office of U.S. Trustee  
Ms. Angela Redden-Jansen

District Court/Agency Case Number(s): 4:18-cv-00210-RLW